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In re Application of  
MATEU

U.S. Application No.: 10/534,847

PCT No.: PCT/ES03/00579

Int. Filing Date: 14 November 2003

Priority Date: 19 November 2002

Attorney Docket No.: 229/1/059

For: DISPOSABLE PROTECTOR FOR THE  
SEAT RING OR UPPER PART OF A TOILET

DECISION ON RENEWED

REQUEST FOR STATUS

UNDER 37 CFR 1.42

This decision is in response to the applicant's "Renewed Petition Under 37 C.F.R. 1.42" filed 04 November 2005 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

### **BACKGROUND**

On 29 September 2005, applicant was mailed a decision dismissing applicant's request for status pursuant to 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 04 November 2005, applicant filed the response considered herein.

### **DISCUSSION**

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 13 May 2005 was executed by Racquel Fernandez Escortell as legal representative to the estate of the deceased inventor, Albert Fernandez Mateu. However, the citizenship, residence and mailing address for the deceased inventor was missing. In addition, the declaration left the impression that Ms. Escortell was an inventor in the application. Applicant has presently filed an executed declaration signed by the legal representative which provides the above information for both the deceased inventor and his legal representative and details their respective roles in the application. Thus, it is appropriate to grant applicant's renewed petition at this time.

**CONCLUSION**

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 14 November 2003 and a date of **04 November 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read 'D. A. Putonen', is positioned above the typed name.

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